

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

MAY - 8 2020

for the

Albuquerque District of New Mexico  
Tenth <sup>(circuit)</sup>  
DivisionMITCHELL R. ELFERS  
CLERK *mm*

Case No.

20CV 442 KWR/KRS  
(to be filled in by the Clerk's Office)Brandon Lawrence Jones

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See Attached - "Attachment A"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**  
(Prisoner Complaint)**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

## "Attachment A"

### Defendants

- 1) United States of America
- 2) Bureau of Prisons (Federal)
- 3) Jason Bowles
- 4) Kenneth A. Gleria
- 5) Kathleen McGarry (see "Attachment B" in reference to information)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Brandon Lawrence Jones  
 All other names by which  
 you have been known: None  
 ID Number 05106-707  
 Current Institution United States Penitentiary - LEE COUNTY  
 Address Post Office Box 305  
Jonesville VA 24263-0305  
City State Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name United States of America  
 Job or Title (*if known*) N/A  
 Shield Number N/A  
 Employer N/A  
 Address 333 Lomas Blvd NW  
Albuquerque NM 87102-9844  
City State Zip Code  
☐ Individual capacity ☒ Official capacity

## Defendant No. 2

Name Bureau of Prisons (Federal BOP)  
 Job or Title (*if known*) N/A  
 Shield Number N/A  
 Employer N/A  
 Address U.S. Armed Forces Reserve, 346 Marine Forces Dr.  
Grand Prairie TX 75051  
City State Zip Code  
☐ Individual capacity ☒ Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## Defendant No. 3

Name

Jason Bowles

Job or Title (if known)

Attorney - At - Law

Shield Number

N/A

Employer

Jason Bowles Trial Lawyer

Address

Post office Box 25186

Albuquerque

NM

87125-5186

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

## Defendant No. 4

Name

Kenneth A. Gleria

Job or Title (if known)

Attorney - At - Law

Shield Number

N/A

Employer

Kenneth A. Gleria @ Law

Address

1008 Fifth Street NW

Albuquerque

NM

87102

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒Federal officials (a *Bivens* claim)☐

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

N/A

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Fifth Amendment, Sixth Amendment, Eighth Amendment, & Fourteenth Amendment.

Pro Se 14 - Complaint for Violation of Civil Rights (prisoner)

"Attachment B"

Defendant No. 5

NAME : Kathleen McGarry  
Job or Title : Attorney - At Law  
Shield # : N/A  
Employer : McGarry Law Office  
Address : Post Office Box 310  
Glorieta , NM 87535

☐ Individual capacity  
☒ Official Capacity

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See Attached "Attachment C"

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

9300 South Wilmont RD a case manager informed me of this error  
 Tucson, Arizona 85756 on 2 January 22nd, 2015  
 (United States Penitentiary)

Pro Se 14 - Complaint for Violation of Civil Rights (Prisoner)

"Attachment C"

D.

The plaintiff has been deprived of life, liberty, or property, without due process of law. Every defendant listed in this complaint has violated the plaintiff's constitutional rights when he was filed as a sexual offender in the BOP and upon giving Jones this title, he has been held to answer in violation of the constitution, and it has affected his living conditions, liberties, and property. The district court, on numerous occasions, has tried to correct this error and has not been successful. It has endangered the plaintiff's life by housing him as a sex offender. Jones has factual evidence and documents to prove this error is violating all alleged claims that are raised in this complaint. The substantial size of this error has given the federal court and BOP supreme measures in trying to reverse this error, and as it stands, it seems within reason that this proverbial bell cannot be unrung. The plaintiff's image has been tainted and that, unlike court rulings, can't be reversed.

C. What date and approximate time did the events giving rise to your claim(s) occur?

January 22nd, 2015 at approximately 2:30pm

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?) I was informed the BOP Filed my inmate status under sex offender and this error caused my housing to be altered due to being falsely characterized and affected many rights that I would obtain, given the BOP didn't make this error. It has caused my email account to be restricted under this false label and incorrect filing of paperwork. There are numerous federal officials that know and acknowledged the error, to whom I can pick out and prove this claim, and also a few inmates who have witnessed this error. Witnesses will be provided at a later date.

#### V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Anxiety, Anxious, Panic Attacks, Paranoia, Major Stress, Advanced PTSD  
I've had to defend myself from being assaulted over this false title causing me to be attacked at random times. It's an ongoing issue and I never know when another inmate could attack me over learning I'm housed as a sexual offender.

#### VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Actual damages (severe stress, Advanced PTSD, Numerous physical Assaults, advanced anxiety.)  
Punitive damages (Loss of liberties, life. Loss of good time over being assaulted and contact with family over being disciplined for having to defend my life. The fact that this has tainted my image indefinitely.)

I am asking the court to grant \$100,000,000.00 in damages to the plaintiff under actual and punitive damages combined. I am also asking to be granted an acquittal on my current judgement related to this complaint to try and reverse this claim and repair this error as best as possible.



**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

United states Penitentiary - Tucson  
9300 South Wilmont RD  
Tucson, Arizona 85756

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

N/A

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

---

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

N/A

---

2. What did you claim in your grievance?

N/A

---

3. What was the result, if any?

N/A

---

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

---

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

My case manager, Mrs. Bentley, informed me there was nothing that can correct this error. She informed it had to be corrected by the courts. I told her I had documents to prove the court had corrected this error and was told once again "There's nothing that can be done without the court correcting the documents, such as the PSR, where the prosecutor states information that wasn't factual evidence."

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Mrs. Bentley, Mr. Payne, Mrs. Roberts, Mr. Laster, and also several staff members through transit that informed me of the error but I don't recall their names.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

#### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

N/A

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes☐ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

NO

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes☐ No

If no, give the approximate date of disposition

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

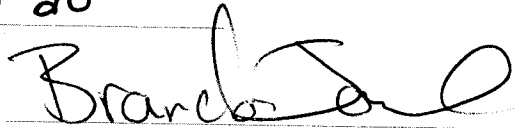
**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5-5-20

Signature of Plaintiff 

Printed Name of Plaintiff Brandon Lawrence Jones

Prison Identification # 05106-707

Prison Address Post Office Box 305

Jonesville VA 24263-0305

City State Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address \_\_\_\_\_

City State Zip Code

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

Standard Jones # 05106-707  
United States Penitentiary - LEE  
PO Box 305  
Jonesville, VA 24263-0305

⇨05106-707⇨  
Clerk Of Courts  
333 Lomas BLVD NW  
Albuquerque, NM 87102-9844  
United States

REC-11  
UNITED STATES DEPARTMENT OF JUSTICE  
ALBUQUERQUE, NEW MEXICO

May 1963

MITCHELL P. BLUMBERG  
CLERK